

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Fair Isaac Corporation,

Case No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

ORDER

Federal Insurance Company, *et al.*,

Defendants.

This matter is before the Court on the parties' October 23, 2019 **Amended Joint Motion for Continued Sealing [Docket No. 664]** pursuant to Minn. L.R. 5.6(d)(2) and the Court's October 9, 2019 Order [Docket No. 589] regarding their previous Joint Motion [Docket No. 587].

The parties filed hundreds of documents under temporary seal in connection with the following motions/objection:

- Plaintiff FICO's Motion to Exclude Testimony of William McCarter
- Plaintiff FICO's Motion to Exclude Testimony of Dr. Steven Kursh
- Defendant Federal's Motion to Exclude Portions of Expert Report and Testimony of Randolph Bickley Whitener
- Defendant Federal's Motion to Exclude Expert Report and Testimony of Brooks Hilliard
- Plaintiff FICO's Motion to Exclude Testimony of W. Christopher Bakewell
- Defendant Federal's Motion for Summary Judgment
- Plaintiff FICO's Objection to Order Granting Defendants' Motion to Amend
- Plaintiff FICO's Motion to Strike the Declaration of Patrick Sullivan in Support of Federal's Opposition to Summary Judgment and Portions of Federal's Brief in Opposition to Summary Judgment
- Plaintiff FICO's Motion for Summary Judgment of Federal's Liability for Breach of Contract
- Defendant Federal's Motion to Exclude Expert Report and Testimony of Neil J. Zoltowski

The parties agree that many of the documents should be unsealed and have filed public redacted versions of many documents pursuant to the Court's previous order.

The Court has reviewed the documents identified in the Amended Joint Motion and will grant in part and deny in part the motion.

Docket No. 651-1 (487-2). The document filed in No. 651-1 does not appear to match the description in the chart of the Amended Joint Motion. The chart says it is a public redacted version of No. 487-2 and that "client identity" information has been redacted; however, the cover page of No. 651-1 (Ex. 3) says it is an "unsealed" version (not "redacted") and the document does not appear to be redacted. The Court will order Defendant Federal, as the filing party, to file a public redacted version with "client identity" information redacted by the deadline stated below, after which the Court will issue an order regarding the sealing of Nos. 487-2 and 651-1. If Defendant does not do so, or Defendant notifies the Court that it intended No. 651-1 to be unsealed as filed, then the Court will order No. 487-2 to be unsealed as well.

Docket No. 503-10. This document does not warrant sealing from the public in its entirety, because not all of it is "pricing" information (the stated reason for sealing), and some of the same pages have been publicly filed elsewhere in redacted form. The Court will order Plaintiff FICO, as the filing party, to file a public redacted version with "pricing" information redacted by the deadline stated below, after which the Court will issue an order regarding the continued sealing of No. 503-10.

IT IS HEREBY ORDERED:

1. The parties' **Joint Motion** Regarding Continued Sealing [**Docket No. 587**] is DISMISSED AS MOOT.

2. The parties' **Amended Joint Motion** Regarding Continued Sealing [Docket No. 664] is GRANTED IN PART and DENIED IN PART as follows:

a. The Clerk is directed to unseal the following documents: Docket Nos. 362, 380, 382-1, 391, 401, 401-2, 401-4 through 401-6, 401-11 through 401-16, 401-21 through 401-24, 401-28, 401-30 through 401-36, 401-38, 424-3, 424-4, 430, 435, 436, 439, 442, 446, 453, 475, 478, 480, 483, 483-1 through 483-3, 483-5, 483-8, 485, 492-4 through 492-8, 503, 503-1 through 503-6, 503-8, 503-12, 503-15 through 503-17, 504-2, 504-6, 504-7, 504-9, 504-13 through 504-21, 510-4, 510-6, 510-10 through 510-13, 510-16 through 510-21, 510-24 through 510-28, 510-30, 514 through 517, 521, 530, 536, 541-4 through 541-8, 545-1, 547, 556, 561-8, 561-9, 561-12 through 561-14, 563, 565, 567, 574, 576, 576-1 through 576-15, 578, 581, and 581-1 through 581-4.

b. The Clerk is directed to keep the following document sealed: Docket Nos. 365, 365-1 through 365-4, 371, 374, 374-1 through 374-5, 382, 388, 390, 392, 398, 401-1, 401-3, 401-17 through 401-20, 401-25 through 401-27, 401-29, 401-37, 406, 408 through 415, 421, 424, 424-1, 424-2, 432 through 434, 437, 438, 440, 441, 441-1, 445, 478-1, 483-4, 483-6, 483-7, 487, 487-1, 489, 492, 492-1 through 492-3, 494, 496, 499, 503-7, 503-9, 503-11, 503-13, 503-14, 504, 504-1, 504-3 through 504-8, 504-10 through 504-12, 507, 510, 510-1 through 510-3, 510-5, 510-7 through 510-9, 510-14, 510-15, 510-22, 510-23, 510-29, 512, 513, 513-1, 533, 533-1, 538, 541, 541-1 through 541-3, 543, 545, 549, 558, 561, 561-1 through 561-7, 561-10, 561-11, 619, 619-1, 619-2, 623, 628, 632, 634, 636, 643, 647, 647-1, and 652.

c. No later than November 6, 2019, Defendant Federal shall file a public redacted version of Docket No. 651-1 with "client identity" information redacted, after

which the Court will issue an order regarding the sealing of Nos. 487-2 and 651-1. If Defendant does not do so, or Defendant notifies the Court that it intended No. 651-1 to be unsealed as filed, then the Court will order No. 487-2 to be unsealed as well.

d. No later than November 6, 2019, Plaintiff FICO shall file a public redacted version of Docket No. 503-10 with “pricing” information redacted, after which the Court will issue an order regarding the continued sealing of No. 503-10.

Dated: October 30, 2019

s/David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge